IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.331 OF 2006
WITH
CIVIL APPLICATION NO.415 OF 2006

Mohamed Sameem Mainuddin Shaikh. ..Appellant.

V/s.

Shaidunnisa M. Sheikh & Ors. ..Respondents.

Mr. M.P.Tiwari for appellant.

Mr.A.R.Patil, AGP for respondent No.3.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 6, 2006.

P.C. :

1. Heard counsel for the appellant.

2. I see no reason to interfere with the conclusion reached by the Court below in dismissing the Notice of Motion. The finding recorded by the Court below that the defendant No.1 was the original tenant and during her life time, she transferred the premises in favour of the defendant No.4, no fault can be found with the said finding. On that finding, the conclusion reached by the court below that plaintiff is not entitled for any rights with regard to the suit premises needs no interference. Hence appeal as well as civil application are dismissed.

3. Having regard to the nature of controversy and as the dispute is between family members, the trial Court may be well-advised to expeditiously dispose of the suit, if such request is made on behalf of the parties.